IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 2ND MARCH 2007 / 11TH PHALGUNA 1928

Crl.MC.No. 571 of 2007()

CC.824/2003 of JUDL.MAGISTRATE OF FIRST CLASS, PERUMBAVOOR

.....

PETITIONER:

SANTHOSH.K.K, AGED 41 YEARS,
S/O.KRISHNAN,
KILLIKULANGARA HOUSE,
KAIPAMANGALAM.P.O,
THRISSUR DISTRICT.

BY ADV. SRI.G.HARIHARAN
SRI.PRAVEEN.H.

RESPONDENTS:

---

1. STATE OF KERALA
REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. S.I. OF POLICE,
KALADY POLICE STATION, KALADY.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 02/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.571 of 2007

Dated this the 2nd day of March, 2007

ORDER

The petitioner faces indictment in a prosecution, inter alia, under Section 304 A I.P.C. The case was registered as early as in 2003. The petitioner has not appeared before the learned Magistrate. According to him, he was blissfully unaware of the proceedings which have been initiated against him. No notice or summons was ever served on him. The petitioner now finds himself in the unenviable predicament of a warrant of arrest issued by the learned Magistrate chasing him.

2. The petitioner is prepared to surrender before the learned Magistrate. But he apprehends that his application for bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. He has therefore come to this Court with a prayer that directions under Section 482 Cr.P.C may be issued to the learned Magistrate to release him on bail on the date of his appearance itself.

3. I find no reason to invoke the powers under Section 482 Cr.P.C. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which he could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider such

application on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police [**2003(1) KLT 339].

4. This Crl.M.C is, in these circumstances, dismissed, but with the specific observation that if the petitioner appears before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself, unless exceptional and compelling reasons are there.

(R.BASANT, JUDGE)

rtr/-